THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.24469 of 2006

Date: 23rd November, 206

Between :-

Y. Raghunandan and another .. Petitioners

And

The Municipal Corporation of Hyderabad, Tankbund, Hyderabad, Rep. by its Commissioner and another .. Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.24469 of 2006

ORDER:-

1. The matter is coming up for *admission.*

2. Smt. Jyoti Kiran, the learned standing Counsel takes notice on behalf of R.1 and R.2.

3. The Writ Petition is filed for a Writ of Mandamus declaring the notice No.3082/ACP/Ex.C.5/MCH/2006, dt.22-11-2006 issued by the respondent Municipal Corporation of Hyderabad as illegal, arbitrary and violative of the principles of natural justice and set aside the same and pass such other suitable orders.

4. Several factual details are narrated in paras 3, 4, 5, 6 and7 of the affidavit filed in support of the Writ Petition. It is stated that the writ petitioners made a representation dt.17-11-2006 explaining to the effect that they did not make any additions or alterations as alleged in the notice issued under Section 452 of the Act aforesaid and the petitioners also had taken a stand that they had not violated G.O.Ms.No.86 dated 3-3-2006. Though in the impugned order G.O.Ms.No. 86 had been referred to, the explanation given in reply to the notice under Section 452 of the Hyderabad Municipal Corporation Act had been

rejected and it was shown as though the representation is dt.15-11-2006 instead of specifying 17-11-2006. Be that as it may, on consideration of the reasons specified in the explanation or the representation dt.17-11-2006 made by the writ petitioners, this Court is of the considered opinion that the impugned order was made without appreciating the grounds raised in the representation dt.17-11-2006. It is needless to say that this is in violation of the principles of natural justice and hence the impugned order is hereby set aside and the matter is remitted to the second respondent to take into consideration the representation made by the petitioners dated 17-11-2006 and pass appropriate orders in this regard.

5. The Writ Petition is accordingly allowed to the extent indicated above. No order as to costs.

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Justice P.S.Narayana

23rd November, 2006

Note: Operative portion of the order by wire
at party's costs
(B/o.smr)